

D1920941

CERTIFICATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

I, CYNTHIA J. JOHNSTON, CLERK OF COURT, PARISH OF BOSSIER, STATE OF LOUISIANA, do hereby certify that the following is a true, complete copy of the entire record in the above entitled and numbered matter consisting of 32 pages.

Given under my hand and seal, on 31st day of May.



CYNTHIA J. JOHNSTON, CLERK OF COURT
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA



Deputy Clerk & Ex-Officio Recorder
Bossier Parish, Louisiana

DIV. B - STINSON

CIVIL DISTRICT COURT FOR THE PARISH OF BOSSIER
STATE OF LOUISIANA

FILED AND RECORDED
2012 APR 26 P 12:05

138861
NO.

SECTION

DIVISION

TINA C. DAVIDSON, KATHRYN D. DAVIDSON, AND KRISTEN M. DAVIDSON,
INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED HUSBAND AND FATHER,
RESPECTIVELY, WILLIAM CLEVE DAVIDSON

VERSUS

ADVOCATE MINES, LTD., ET AL

FILED: _____
DEPUTY CLERK

ORIGINAL PETITION

COME NOW Petitioners TINA C. DAVIDSON, KATHRYN D. DAVIDSON, And KRISTEN M. DAVIDSON, individually and on behalf of their deceased husband and father, respectively, WILLIAM CLEVE DAVIDSON, by and through undersigned counsel, and file this petition and respectfully represent as follows:

PARTIES

1. Petitioner TINA C. DAVIDSON, is an adult resident citizen of and domiciled in Benton, Parish of Bossier, State of Louisiana.
2. Petitioner KATHRYN D. DAVIDSON, is an adult resident citizen of and domiciled in Shreveport, County of Caddo, State of Louisiana.
3. Petitioner KRISTEN M. DAVIDSON, is an adult resident citizen of and domiciled in Shreveport, County of Caddo, State of Louisiana.
4. Defendants, identified in Exhibit "A" annexed hereto, are either foreign corporations licensed to do and doing business in the State of Louisiana, foreign corporations not licensed to do business in Louisiana, or domestic corporations licensed to do and doing business in the State of Louisiana that are liable unto Petitioners for the claims asserted herein.
5. As a direct and proximate result of the delictual conduct of the Defendants, Petitioners, TINA C. DAVIDSON, KATHRYN D. DAVIDSON, and KRISTEN M. DAVIDSON, have lost the love, affection, society, support, and services of the Decedent and all other damages due and, pursuant to Louisiana Civil Code Article 2315.2, assert this wrongful death action against the Defendants.
6. Petitioners Tina C. Davidson, Kathryn D. Davidson, and Kristen M. Davidson are the statutory survivors of the referenced decedent, and hereby substitute themselves in the decedent's stead and assert this

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BOSSIER PARISH, LOUISIANA

138861

survival action pursuant to Louisiana Civil Code Article 2315.1. Tina C Davidson's marriage certificate and Kristen M. Davidson's birth certificate are attached hereto as Exhibits "B" and "C" respectively. Kathryn D. Davidson's birth certificate will be provided upon receipt by Petitioners' counsel.

VENUE AND JURISDICTION

7. Bossier Parish is a proper venue for this matter pursuant to Louisiana Code of Civil Procedure Articles 73 and 74, as well as R.S. 13:3203. Decedent William Cleve Davidson resided in Bossier Parish; was the victim of wrongful conduct by the Defendants named herein in Bossier Parish; received treatment for his malignant mesothelioma in Bossier Parish; and died as a result of malignant mesothelioma in Bossier Parish.

8. More specifically, Bossier Parish is a proper venue for this matter pursuant to Louisiana Code of Civil Procedure Article 74 because wrongful conduct occurred within the Parish and pursuant to Louisiana Code of Civil Procedure Article 73 because each of the Defendants contributed to Decedent WILLIAM CLEVE DAVIDSON's exposure to asbestos and subsequent contraction of malignant mesothelioma and death therefrom. Therefore, each Defendant is solidarily liable to Petitioners with each of its co-defendants.

9. Louisiana is a proper jurisdiction as the following Defendants are Louisiana business corporations and have listed their primary business office/establishment in Louisiana:

- A. THE J. GRAVES INSULATION COMPANY, INC.,
May be served through its registered agent for service of process: CT Corporation, 5615 Corporate Blvd., #4008, Baton Rouge, LA 70808. This Defendant is being sued as a Contractor Defendant.
- B. THE J. GRAVES INSULATION COMPANY, INC. f/k/a GRAVES-ABER INSULATION COMPANY, INC., May be served through its registered agent for service of process: CT Corporation, 5615 Corporate Blvd., #4008, Baton Rouge, LA 70808. This Defendant is being sued as a Contractor Defendant.

BACKGROUND

10. Decedent WILLIAM CLEVE DAVIDSON was routinely exposed to asbestos and asbestos containing products from approximately 1958 through 1978. As a child and adolescent, Decedent was exposed to asbestos containing roofing products while working as a helper on various jobs performed by his maternal grandfather's business, Atlas Sheetmetal Works out of Bossier City, Louisiana. Decedent was further exposed to asbestos and asbestos containing products while working for Hutches-Davidson Roofing and Universal Heating and Air out of Shreveport, Louisiana where he was a roofer and sheet metal worker. Decedent performed roofing and sheet metal work, as well as work on HVAC units and duct systems, throughout the state of Louisiana. Decedent recalls working at a variety of industrial and commercial facilities including but not limited to the following sites: Atlas Refinery; Louisiana Tech; multiple South Central Bell remote facilities; First National Bank; American Bank; Hibernia Bank. Finally, Decedent received bystander exposure to asbestos-containing insulation while employed by Poulan Chainsaw from approximately 1972 to 1978. While Decedent WILLIAM CLEVE DAVIDSON used, handled, and/or was in the vicinity of others using or

138861

handling asbestos or asbestos-containing products at these sites, dangerously high levels of asbestos fibers escaped into the ambient air of the work place, resulting in Decedent breathing those fibers.

11. Before and during Decedent WILLIAM CLEVE DAVIDSON's exposure period, each of the Defendants designed, tested, evaluated, manufactured, packaged, furnished, stored, handled, transported, installed, removed, supplied and/or sold asbestos or asbestos containing products to Decedent's work sites, thereby exposing Decedent to the fibrous, incombustible, chemical-resistant substance commonly called "asbestos."

12. When inhaled or otherwise ingested, asbestos causes irreparable and progressive lung damage that can manifest itself as asbestos-related pleural disease, asbestosis, mesothelioma, pulmonary and bronchogenic carcinoma, gastrointestinal cancer, cardiac problems, other lung diseases, pneumoconiosis, and various other injuries.

13. Each of the Defendants knew or should have known through industry and medical studies, the existence of which were unknown to Decedent, of the health hazards inherent in the asbestos-containing products they were selling and/or using. Instead of warning Decedent WILLIAM CLEVE DAVIDSON and the general public about these dangers, the Defendants ignored or actively concealed such information, or condoned such concealment, in order to use asbestos or asbestos-containing products and to avoid litigation by those who were injured from asbestos inhalation.

14. In the course of performing the aforementioned duties, Decedent WILLIAM CLEVE DAVIDSON was exposed to and inhaled or otherwise ingested significant quantities of asbestos, having neither knowledge nor reason to believe that asbestos was dangerous.

15. As a direct and proximate result of having inhaled, ingested or otherwise been exposed to asbestos as described, Decedent WILLIAM CLEVE DAVIDSON contracted malignant mesothelioma, an incurable and terminal cancer caused by asbestos exposure, and suffered physically, financially, mentally and emotionally as direct result of that condition. Decedent WILLIAM CLEVE DAVIDSON's malignant mesothelioma was diagnosed on or about March 25, 2010.

16. Decedent originally filed suit in Orleans Parish based upon this diagnosis on May 10, 2010. On April 29, 2011 this case was removed to federal court and ultimately transferred to the Asbestos MDL court in the Eastern District of Pennsylvania on May 4, 2011. The Eastern case was remanded to the United States District Court of Louisiana on December 7, 2011.

17. WILLIAM CLEVE DAVIDSON untimely died as a result of his malignant mesothelioma on October 30, 2011. His death was a direct and proximate result of his exposure to dust and fibers from the asbestos and/or asbestos-containing products of Defendants. A copy of Mr. Davidson's death certificate is attached hereto and marked as Exhibit "D".

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COUNT ONE
STRICT LIABILITY, PRODUCT LIABILITY AND NEGLIGENCE ALLEGATIONS AGAINST
MANUFACTURING DEFENDANTS

18. Petitioners allege that Decedent WILLIAM CLEVE DAVIDSON was exposed to asbestos fibers emanating from asbestos and asbestos-containing products. Each Defendant corporation or its predecessor-in-interest is, or at times material hereto, has been engaged in the mining, processing, manufacturing, sale, design, installation, removal and/or distribution of asbestos or asbestos-containing products. As set forth above, Decedent WILLIAM CLEVE DAVIDSON suffered injuries proximately caused by his exposure to Defendants' asbestos and asbestos-containing products. In that each exposure to such products caused or contributed to Decedent WILLIAM CLEVE DAVIDSON's injuries, Petitioners assert that the doctrine of joint and several liability should be extended to apply to each Defendant herein.

19. Specifically, Petitioners would show that Defendants' asbestos and asbestos-containing products and or machinery were unreasonably dangerous per se; defective in composition or construction; defective in design; and lacking suitable warnings, and that the asbestos and asbestos-containing products and machinery were in this defective condition at the time they were designed by or left the hands of Defendants. Therefore, Defendants are liable to Petitioners in product liability including, but not limited to, strict liability as that doctrine is set forth in *Halphen v. Johns-Manville Sales Corporation*, and Article 2317.

20. Further, Petitioners would show generally that:

- a) Defendants are or were engaged in the business of selling, manufacturing, producing or designing asbestos, asbestos-containing products and these products were a proximate and producing cause of the injuries of Decedent WILLIAM CLEVE DAVIDSON without substantial change in the condition in which they were sold, manufactured, produced, designed and otherwise put into the stream of commerce.
- b) Defendants knew that the asbestos and asbestos-containing products would be used without inspection for defects and represented that they would safely do the job for which they were intended, which must necessarily include safe manipulation or installation of the asbestos-containing products.
- c) Decedent WILLIAM CLEVE DAVIDSON was unaware of the hazards and defects in the asbestos and asbestos-containing products of the Defendants, which made them unsafe for foreseeable use and misuse.
- d) During the periods that Decedent WILLIAM CLEVE DAVIDSON was exposed to the asbestos and asbestos-containing products of the Defendants, these asbestos-containing products were being utilized in a manner, which was intended by Defendants.

21. The illness and disabilities of Decedent WILLIAM CLEVE DAVIDSON are also a direct and proximate result of the negligence and/or willful and reckless misconduct of each Defendant and its predecessor-in-interest in that said entities produced, designed, sold, and otherwise put into the stream of commerce asbestos and asbestos-containing products, which the Defendants knew, or in the exercise of ordinary care should have known, were deleterious and highly harmful to Decedent WILLIAM CLEVE DAVIDSON's health and well-being. Defendants created hazardous and deadly conditions, which caused Decedent WILLIAM CLEVE DAVIDSON to be exposed to a large amount of asbestos fibers. The Defendants

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were negligent in one, some, or all of the following respects, among others, same being the proximate cause of Decedent WILLIAM CLEVE DAVIDSON's illness and disabilities:

- a) in failing to timely and adequately warn Decedent WILLIAM CLEVE DAVIDSON of the dangerous characteristics and serious health hazards associated with exposure to asbestos and asbestos-containing products;
- b) in failing to provide Decedent WILLIAM CLEVE DAVIDSON with information as to what would be reasonably safe and sufficient wearing apparel and proper protective equipment and appliances, if in truth there were any, to protect Decedent WILLIAM CLEVE DAVIDSON from being harmed and disabled by exposure to asbestos and asbestos-containing products;
- c) in failing to place timely and adequate warnings on the containers of said asbestos and asbestos-containing products, or on the asbestos-containing products themselves, to warn of the dangers to health of coming into contact with said asbestos and asbestos-containing products;
- d) in failing to take reasonable precautions or exercise reasonable care to publish, adopt and enforce a safety plan and safe method of handling and installing asbestos and asbestos-containing products;
- e) in failing to develop and utilize a substitute material or design to eliminate asbestos fibers in the asbestos-containing products;
- f) in failing to properly design and manufacture asbestos and asbestos-containing products for safe use under conditions of use that were reasonably anticipated;
- g) in failing to properly test said asbestos and asbestos-containing products and machinery before they were released for consumer use, and
- h) in failing to recall or remove from the stream of commerce said asbestos and asbestos-containing products despite knowledge of the unsafe and dangerous nature of such products and machinery.

COUNT TWO
STRICT LIABILITY, PRODUCT LIABILITY, AND NEGLIGENCE ALLEGATIONS
AGAINST SUPPLIER DEFENDANTS

22. All of the allegations contained in the previous paragraphs are realleged.

23. For all pertinent times, Supplier Defendant sold, distributed, and supplied asbestos and asbestos-containing products, which Decedent WILLIAM CLEVE DAVIDSON came in contact with and utilized, thereby proximately causing his injuries, illnesses, and death. Defendant is liable to Petitioners under the principles of negligence, product liability, and strict liability as that theory of liability is defined in *Halphen v. Johns-Manville Sales Corporation*, and Article 2317. Supplier Defendant is a manufacture, miner, shipper and supplier of asbestos and asbestos-containing products to various locations. Defendant is liable to Petitioners for its failure to warn Decedent WILLIAM CLEVE DAVIDSON of the health hazards of exposure to asbestos; for the hazardous construction and composition of its products, and for its failure to design and package its products as to adequately protect and warn users of the dangers of exposure to asbestos and for failing to cease sale and remove such products from the stream of commerce.

24. Supplier Defendant is liable to Petitioners as professional vendors of asbestos and asbestos-containing products and because of the Defendant's size, volume of business and merchandising practices, knew or should have known of the defects of the asbestos and asbestos products they sold.

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25. Further, Supplier Defendant made misrepresentations regarding the safety of asbestos and asbestos-containing products to its customers, thereby fraudulently inducing individuals to use Supplier Defendant's asbestos and asbestos-containing products without adequate warning of the dangers of asbestos. As such, Supplier Defendant is also liable to the Petitioners for Decedent WILLIAM CLEVE DAVIDSON's injuries and death caused by exposure to the Supplier Defendant's asbestos and asbestos-containing products because Supplier Defendant's fraudulent misrepresentations were detrimentally relied upon (1) by Defendant's customers including but not limited to, asbestos-product manufacturers incorporating Supplier Defendant's raw asbestos into their finished product and (2) by Decedent WILLIAM CLEVE DAVIDSON who was exposed to the asbestos and asbestos-containing products.

COUNT THREE
ALLEGATIONS AGAINST CONTRACTOR DEFENDANTS

26. All of the allegations contained in the previous paragraphs are realleged.

27. The injuries of Decedent and Petitioners are a direct and proximate result of the negligence of each Supplier Defendant or its predecessor-in-interest in that said entities produced, designed, sold, installed, removed or otherwise put into the stream of commerce, asbestos, and asbestos-containing products which the Defendants knew, or in the exercise of ordinary care should have known were deleterious and highly harmful to Decedent's health and well-being. These Contractor Defendants created hazardous and deadly conditions to which Petitioner was exposed and which caused him to be exposed to a large amount of asbestos fibers. Specifically, Defendants were negligent in one, some or all of the following respects, among others, same being the proximate cause of Petitioners' injuries:

- (a) in failing to timely and adequately warn Decedent of the dangerous characteristics and serious health hazards associated with exposure to asbestos and asbestos-containing products;
- (b) in failing to provide Decedent with information as to what would be reasonably safe and sufficient wearing apparel and proper protective equipment and appliances, if in truth there were any, to protect Decedent from being harmed and disabled by exposure to asbestos, and asbestos-containing products;
- (c) in failing to place timely and adequate warnings on the asbestos products and containers of said products to warn of the dangers to health of coming into contact with said asbestos-containing products and machinery;
- (d) in failing to take reasonable precautions or exercise reasonable care to publish, adopt and enforce a safety plan or safe method of handling, installing, and removing asbestos and asbestos-containing products;
- (e) in failing to utilize a substitute material and design to eliminate asbestos fibers in the asbestos-containing products;

1138861

- (f) in failing to properly test said asbestos-containing products before they were handled, installed, and removed; and
- (h) in failing to recall or remove from the stream of commerce said asbestos-containing products despite knowledge of the unsafe and dangerous nature of such products.

COUNT FOUR
STRICT LIABILITY, PRODUCT LIABILITY, AND NEGLIGENCE ALLEGATIONS
AGAINST ALL DEFENDANTS

28. All of the allegations contained in the previous paragraphs are realleged.

29. The asbestos products mined, manufactured, sold, distributed, supplied, installed, removed and/or used by the defendants were defective, unreasonably dangerous, and unreasonably dangerous per se, to Decedent WILLIAM CLEVE DAVIDSON who was an intended and a foreseeable user and bystander who was exposed to these products. To the extent these defects are not already addressed, these defects include the following:

- (a) mining, manufacture, sale, supply, distribution and use of products that are unreasonably dangerous or unreasonably dangerous per se;
- (b) mining, manufacture, sale, supply, distribution and use of products that possess inherent and known properties that make them unreasonably dangerous by presenting high potential for causing serious injury, such as respiratory disease, cancer, and other health problems to Decedent WILLIAM CLEVE DAVIDSON who would be foreseeably exposed to them in his respective trade;
- (c) lack of warning or of sufficient warning of the hazards these products would present in the course of their normal foreseeable use and misuse;
- (d) lack of safety instructions or of sufficient safety instructions for eliminating or reducing the health risks associated with the intended use of these products;
- (e) failure of Defendants to inspect these products to assure sufficiency and adequacy of warnings and safety cautions;
- (f) failure to test or adequately test these products for defects or hazards they could present to the intended or foreseeable users;
- (g) failure to truthfully report or adequately report the results of product testing and medical studies associated with foreseeable hazards of these products by intended or foreseeable users;
- (h) failure to properly design these products when the nature of the product did not require use of asbestos mineral or where alternate, equally suitable substances were readily available;
- (i) defects in the composition and construction of these products;
- (j) failure to recall these products mined, manufactured, sold, distributed and/or supplied;
- (k) failure to properly package these products so that they could be safely transported, handled, stored or disposed of;
- (l) overwarranting the safety of these products that were manufactured, sold, supplied and/or used by Defendants, and
- (m) are liable to Petitioners in strict liability for things in their garde, possession, custody or control, pursuant to Article 2317 of the Louisiana Code that have caused harm to Decedent WILLIAM CLEVE DAVIDSON.

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30. The defective conditions of Defendants' products and fault, as noted above, are a proximate cause of Decedent WILLIAM CLEVE DAVIDSON's injuries complained of herein.

COUNT FIVE
CONSPIRACY ALLEGATIONS AGAINST ALL DEFENDANTS

31. All of the allegations contained in the previous paragraphs are re-alleged herein.

32. Petitioners further allege that Defendants, or their predecessors-in-interest, knowingly agreed, contrived, combined, confederated and conspired among themselves and with other entities to cause Decedent WILLIAM CLEVE DAVIDSON's injuries by exposing him to harmful and dangerous asbestos and asbestos-containing products. Defendants and other entities further knowingly agreed, contrived, combined, confederated and conspired to deprive Decedent WILLIAM CLEVE DAVIDSON of the opportunity of informed free choice as to whether to use said asbestos and asbestos-containing products. Defendants committed the above-described wrongs by willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to Defendants' asbestos and asbestos-containing products.

33. In furtherance of said conspiracies, Defendants performed the following overt acts:

- (a) for many decades, Defendants, individually, jointly, and in conspiracy with each other and other entities, have been in possession of medical and scientific data, literature and test reports which clearly indicated that the inhalation of asbestos dust and fibers resulting from the ordinary and foreseeable use of said asbestos-containing products and machinery calling for the use of asbestos-containing products was unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly;
- (b) despite the medical and scientific data, literature and test reports possessed by and available to Defendants, Defendants individually, jointly, and in conspiracy with each other and other entities, fraudulently, willfully, and maliciously:
 - (1) withheld, concealed, and suppressed said medical and scientific data, literature and test reports regarding the risks of asbestosis, cancer, mesothelioma, and other illnesses and diseases from Decedent WILLIAM CLEVE DAVIDSON who was using and being exposed to Defendants' asbestos-containing products and machinery requiring or calling for the use of asbestos-containing products;
 - (2) caused to be released, published and disseminated medical and scientific data, literature, and test reports containing information and statements regarding the risks of asbestosis, cancer, mesothelioma, and other illnesses and diseases, which Defendants knew were incorrect, incomplete, outdated, and misleading; and
 - (3) distorted the results of medical examinations conducted upon Decedent's father and Decedent WILLIAM CLEVE DAVIDSON as well as workers and family members such as Decedent's father who were using and/or exposed to asbestos-containing products and machinery requiring or calling for the use of asbestos and being exposed to the inhalation of asbestos dust and fibers by falsely stating or concealing the nature and extent of the harm to which those individuals have suffered.
- (c) Other conspirators participating in the conspiracy, or in ongoing or subsequent conspiracies (hereinafter called the "conspirators"), include, but are not limited to, member companies in the Quebec Asbestos Mining Association, the Asbestos Textile Institute, and the Industrial Hygiene Foundation. Acting in concert, the conspirators fraudulently misrepresented to the public and public officials, *inter alia*, that asbestos did not cause cancer and that the disease asbestosis had no association with pleural and pulmonary cancer and affirmatively suppressed

038861

information concerning the carcinogenic and other adverse effects of asbestos exposure on the human respiratory and digestive systems;

- (d) In addition, Defendants contrived, combined, confederated and conspired through a series of industry trade meetings and the creation of organizations such as the Air Hygiene Foundation (later the Industrial Hygiene Foundation) to establish authoritative standards for the control of industrial dusts which would act as a defense in personal injury lawsuits, despite knowing that compliance with such standards would not protect workers such as Decedent WILLIAM CLEVE DAVIDSON from contracting asbestos disease or cancer;
- (e) In furtherance of said conspiracies, Defendants and their co-conspirators contributed to cause the establishment of a Threshold Limit Value for asbestos exposure, and contributed to the maintenance of such Threshold Limit Value despite evidence that this supposed "safe" level of exposure to asbestos would not protect the health of workers such as Decedent's father or Decedent WILLIAM CLEVE DAVIDSON even if complied with, and
- (f) As the direct and proximate result of the false and fraudulent representations, omissions, and concealments set forth above, Defendants, individually, jointly, and in conspiracy with each other, intended to induce the Decedent WILLIAM CLEVE DAVIDSON to rely upon said false and fraudulent representations, omissions, and concealments, to continue to expose himself to the dangers inherent in the use of and exposure to Defendants' asbestos-containing products, and machinery requiring or calling for the use of asbestos and or products which caused the release of respirable asbestos fibers.

34. Decedent WILLIAM CLEVE DAVIDSON reasonably and in good faith relied upon the false and fraudulent representations, omissions, and concealments made by the Defendants regarding the nature of their asbestos and asbestos-containing products.

35. As a direct and proximate result of Decedent WILLIAM CLEVE DAVIDSON's reliance on Defendants' false and fraudulent representations, omissions, and concealments, Decedent WILLIAM CLEVE DAVIDSON sustained damages including injuries, illnesses, disabilities, and death and was deprived of the opportunity of informed free choice in connection with the use of and exposure to Defendants' asbestos and asbestos-containing products.

COUNT SIX DAMAGES

36. The conduct of Defendants, and their concurrent and indivisible fault resulting in their solidary liability as described and alleged above, was a direct and proximate cause of the damages resulting from the asbestos-related lung disease and death of Decedent WILLIAM CLEVE DAVIDSON, and of the following general and special damages including:

- (a) The conscious physical pain, suffering and mental anguish sustained by Decedent WILLIAM CLEVE DAVIDSON;
- (b) The physical impairment suffered by Decedent WILLIAM CLEVE DAVIDSON;
- (c) The disfigurement suffered by Decedent WILLIAM CLEVE DAVIDSON;
- (d) Reasonable and necessary medical expenses incurred by Decedent WILLIAM CLEVE DAVIDSON;
- (e) Decedent WILLIAM CLEVE DAVIDSON's lost earnings and net accumulations;
- (f) Past and future loss of the companionship and society, care, maintenance services, support, advice, counsel and consortium which Petitioners would have received from the Decedent;

138861

- (g) The past and future mental anguish suffered by Decedent's heirs as a consequence of observing the last illness and death of the Decedent;
- (h) The past and future pecuniary loss and loss of inheritance suffered by Decedent's heirs as a consequence of the death of Decedent; and
- (i) Any and all recoverable survival and wrongful death damages on behalf of Decedent.

37. Decedent filed his original suit within one (1) year of the date of discovering his asbestos-related conditions or the existence of any asbestos-related causes of action. This action was filed within one (1) year of Decedent's death.

WHEREFORE, Petitioners demand judgment against the Defendants, jointly and severally for the aforementioned damages, for their costs expended herein, for interest on said judgment from the date this action accrued until paid, at the legal rate, and for such other and further relief, both at law and in equity, to which Petitioners may show themselves justly entitled.

JURY DEMAND

Petitioners demand that all issues of fact in this case be tried to a properly impaneled jury.

Respectfully submitted,

WATERS & KRAUS, LLP



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ATTORNEYS FOR PETITIONERS

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EXHIBIT "A"

PLEASE SERVE THE FOLLOWING DEFENDANTS WITH PETITIONER'S ORIGINAL PETITION FOR DAMAGES:

1. **THE J. GRAVES INSULATION COMPANY, INC.,**
May be served through its registered agent for service of process: CT Corporation, 5615 Corporate Blvd., #4008, Baton Rouge, LA 70808. This Defendant is being sued as a Contractor Defendant.
2. **THE J. GRAVES INSULATION COMPANY, INC. f/k/a GRAVES-ABER INSULATION COMPANY, INC.,** May be served through its registered agent for service of process: CT Corporation, 5615 Corporate Blvd., #4008, Baton Rouge, LA 70808. This Defendant is being sued as a Contractor Defendant.
3. **TAYLOR SEIDENBACH, INC. f/k/a TAYLOR- SEIDENBACH, INCORPORATED,**
May be served through its registered agent for service of process: Robert L. Shepard, 731 South Scott St., New Orleans, LA 70119. This Defendant is being sued as a Contractor Defendant.
4. **BEAZER EAST, INC. f/k/a KOPPERS COMPANY, INC.**
A Delaware corporation with its principal place of business in the state of New Jersey, and may be served through the Louisiana Long Arm Statute pursuant Article 1261(3) to-wit: Corporation Service Corporation, 2711 Centerville Road, Suite 400, Wilmington, DE 19808. This Defendant is being sued as a Manufacturer Defendant.
5. **CERTAINTED CORPORATION**
May be served through its registered agent for service of process: CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA, 70808. This defendant has been sued as a Manufacturer Defendant.
6. **GEORGIA-PACIFIC LLC (sued individually and as successor-in-interest to BESTWALL GYPSUM COMPANY)**
May be served through its registered agent for service of process: CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA, 70808. This defendant has been sued as a Manufacturer Defendant.
7. **UNION CARBIDE CORPORATION**
May be served through its registered agent for service of process: CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA, 70808. This Defendant is being sued as a Supplier Defendant.

138861

Exhibit "B"

**STATE OF LOUISIANA
CERTIFICATE OF MARRIAGE**

LICENSE NO. 47395 STATE FILE NO. 117

GROOM	1A. LAST NAME OF GROOM DAVIDSON		1B. FIRST NAME WILLIAM		1C. SECOND NAME CLEVE	
	2. USUAL RESIDENCE - CITY, TOWN, OR LOCATION BENTON			3. IS RESIDENCE INSIDE CITY LIMITS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N	4. PARISH/COUNTY BOSSIER	5. STATE LOUISIANA
	6. RACE WHITE	7. DATE OF BIRTH (Month-Day-Year) 03/15/1949	8. STATE OF BIRTH (if not in U.S.A., Name Country) LOUISIANA			
BRIDE	9. FATHER - NAME W.E. DAVIDSON		10. STATE OF BIRTH (if not in U.S.A., Name Country) LOUISIANA		11. MOTHER - MAIDEN NAME BETTY GIBBS	
	12. STATE OF BIRTH (if not in U.S.A., Name Country) LOUISIANA		13. SECOND NAME CASSEL		14. MAIDEN NAME (if different) CASSEL	
	15. USUAL RESIDENCE - CITY, TOWN, OR LOCATION BENTON		16. IS RESIDENCE INSIDE CITY LIMITS? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N		17. PARISH/COUNTY BOSSIER	18. STATE LOUISIANA
19. RACE WHITE		20. DATE OF BIRTH (Month-Day-Year) 05/03/1962	21. STATE OF BIRTH (if not in U.S.A., Name Country) ARKANSAS			
22. FATHER - NAME FRANKIE D. CASSEL		23. STATE OF BIRTH (if not in U.S.A., Name Country) LOUISIANA		24. MOTHER - MAIDEN NAME ERA GAINES		25. STATE OF BIRTH (if not in U.S.A., Name Country) ARKANSAS

26A. Covenant Marriage: yes ☐ no ☒ (If yes, complete the following statement.)
We, _____ and _____
do hereby declare our intent to contract a Covenant Marriage and, accordingly, have executed a declaration of intent attached hereto.

I/WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF THIS STATE.

27. GROOM'S SIGNATURE *William Cleve Davidson* 28. BRIDE'S SIGNATURE *Erin Cassel Grisham*

This license authorizes the marriage in this State of the parties named above by any person duly authorized to perform a marriage ceremony under the laws of the State of Louisiana.

29. EXPIRATION DATE (Month, Day, Year and Time)
MAY 11, 2000 2:37 PM

30. SUBSCRIBED TO AND SWORN TO BEFORE ME ON (Month, Day, Year)
APR 11, 2000

31. SIGNATURE OF ISSUING OFFICIAL
Baron H. Couch

32. TITLE OF ISSUING OFFICIAL
DEPUTY CLERK

33. PARISH
BOSSIER

34. CITY OR TOWN
BENTON

35. TIME OF ISSUE
APR 11, 2000 2:37 PM

36. I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON (Month, Day, Year)
April 28, 2000

37. WHERE MARRIED - CITY, TOWN, OR LOCATION
Shreveport LA

38. PARISH
Caddo

39. SIGNATURE OF PERSON PERFORMING CEREMONY
Rob Weber

40. NAME (Typed/Printed)
Rob Weber

41. TITLE
Pastor

42. ADDRESS OF PERSON PERFORMING CEREMONY (Street and Number or Rural Route Number, City or Town, State, Zip Code)
9400 Ellerbe Rd Shreveport LA 71105

43. GROOM'S SIGNATURE
Cleve Davidson

44. BRIDE'S SIGNATURE
Erin Cassel Grisham

45. SIGNATURE OF WITNESS TO CEREMONY
William C. Davidson

46. SIGNATURE OF WITNESS TO CEREMONY
Erin Cassel

47. SIGNATURE OF LOCAL RECORDING OFFICIAL
Gran L. Carraway

48. DATE FILED (Month, Day, Year)
May 1, 2000

060438

GROOM	NO. OF THIS MARRIAGE 1st, 2nd, etc. (Specify) 03		IF PREVIOUSLY MARRIED Last Marriage Ended by: Death, Divorce, or Annulment (Specify) DIVORCE		DATE Month Year 2 2000		EDUCATION - CIRCLE HIGHEST GRADE COMPLETED Elementary High School College 0 1 2 3 4 ... or 8 1, 2, 3, or 4 1, 2, 3, 4, or 5		
	NO. OF THIS MARRIAGE 1st, 2nd, etc. (Specify) 02		IF PREVIOUSLY MARRIED Last Marriage Ended by: Death, Divorce, or Annulment (Specify) DIVORCE		DATE Month Year 9 1996		EDUCATION - CIRCLE HIGHEST GRADE COMPLETED Elementary High School College 0 1 2 3 4 ... or 8 1, 2, 3, or 4 1, 2, 3, 4, or 5		

Consanguineous or Adoptive Relationship
NONE

Groom's Social Security Number
439-70-7452

Bride's Social Security Number
437-08-2557

Exhibit "C"

138861

STATE OF LOUISIANA

THIS RECORD IS VALID FOR BIRTH ONLY

1282267

STATE OF LOUISIANA
CERTIFICATE OF LIVE BIRTH

82 00 315

BIRTH NO. 119

1. CHILD'S LAST NAME Davidson	2. FIRST NAME Kristen	3. SECOND NAME Michelle	4. DATE OF BIRTH DAY MONTH YEAR January 3, 1982
5. HOUR OF BIRTH 1:28 P	6. SEX Girl	7. THIS CHILD SINGLE	8. IS THIS CHILD A TWIN OR TRIPLET? NO
9. PLACE OF BIRTH (City, Town, or Parish) Shreveport			10. PARISH OF BIRTH Caddo
11. NAME OF HOSPITAL OR INSTITUTION Schumpert Medical Center			12. PLACE OF BIRTH (Name of City, Town, or Parish) Shreveport
13. STREET ADDRESS (or other address) 6329 Westwood Road			14. CITY AND STATE OF BIRTH Shreveport, Louisiana
15. FATHER'S LAST NAME Davidson	16. FATHER'S FIRST NAME William	17. FATHER'S SECOND NAME Cleve	18. CITY AND STATE OF BIRTH Shreveport, Louisiana
19. MOTHER'S MAIDEN NAME Dooley	20. MOTHER'S FIRST NAME Patricia	21. MOTHER'S SECOND NAME Jo	22. CITY AND STATE OF BIRTH Shreveport, Louisiana
23. SIGNATURE OF FATHER OR OTHER INFORMANT <i>Patricia Dooley Davidson</i>			24. DATE OF SIGNATURE January 5, 1982
25. ADDRESS OF FATHER OR OTHER INFORMANT 6329 Westwood Road Shreveport, Louisiana 71129			26. RELATIONSHIP TO CHILD Mother
27. I certify that I attended this birth and that the child was born alive on the date listed above. JAN 11 1982			28. SIGNATURE AND ADDRESS OF ATTENDANT <i>William C. ... 855 Olive St. ...</i>
29. SIGNATURE OF LOCAL REGISTRAR <i>William H. Barlow</i>			30. DATE OF SIGNATURE January 5, 1982
31. DATE FILED BY JAN 15 1982			32. DATE OF BIRTH January 3, 1982

JAN 14 1997

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A CERTIFICATE OR DOCUMENT REGISTERED WITH THE VITAL RECORDS REGISTRY OF THE STATE OF LOUISIANA, PURSUANT TO LSA — R.S. 40:32, ET SEQ.

William H. Barlow
STATE REGISTRAR

Exhibit "D"

138861

STATE OF LOUISIANA

THIS RECORD IS VALID FOR DEATH ONLY

1180504

IMPORTANT: 1473078

STATE OF LOUISIANA
CERTIFICATE OF DEATH

FILE No. 117


BIRTH No.		DECEASED		INFORMANT		CHIEF OF DEATH		REGISTRATION		CERTIFICATION		CAUSE OF DEATH	
1. LAST NAME OF DECEASED DAVIDSON		2. FIRST NAME WILLIAM		3. MIDDLE NAME CLEVE		4. DATE OF BIRTH (month, day, year) October 30, 2011		5. SEX MALE		6. RACE WHITE		7. MARRIAGE STATUS MARRIED	
8. PLACE OF BIRTH (city, state, and country) BOSSIER CITY, LOUISIANA		9. DATE OF DEATH (month, day, year) MARCH 15, 1949		10. TIME OF DEATH (month, day, year) 6:40 PM		11. PLACE OF DEATH (city, state, and country) BOSSIER CITY, LOUISIANA		12. OCCUPATION (city, state, and country) OWNER		13. TYPE OF DEATH (city, state, and country) ROOFING		14. PLACE OF DEATH (city, state, and country) NO	
15. SOCIAL SECURITY NUMBER (city, state, and country) NO		16. MARITAL STATUS (city, state, and country) 439-70-7452		17. TYPE OF DEATH (city, state, and country) NO		18. PLACE OF DEATH (city, state, and country) 315 Kingston Road		19. TYPE OF DEATH (city, state, and country) NO		20. PLACE OF DEATH (city, state, and country) NO		21. TYPE OF DEATH (city, state, and country) NO	
22. TYPE OF DEATH (city, state, and country) NO		23. TYPE OF DEATH (city, state, and country) NO		24. TYPE OF DEATH (city, state, and country) NO		25. TYPE OF DEATH (city, state, and country) NO		26. TYPE OF DEATH (city, state, and country) NO		27. TYPE OF DEATH (city, state, and country) NO		28. TYPE OF DEATH (city, state, and country) NO	
29. TYPE OF DEATH (city, state, and country) NO		30. TYPE OF DEATH (city, state, and country) NO		31. TYPE OF DEATH (city, state, and country) NO		32. TYPE OF DEATH (city, state, and country) NO		33. TYPE OF DEATH (city, state, and country) NO		34. TYPE OF DEATH (city, state, and country) NO		35. TYPE OF DEATH (city, state, and country) NO	
36. TYPE OF DEATH (city, state, and country) NO		37. TYPE OF DEATH (city, state, and country) NO		38. TYPE OF DEATH (city, state, and country) NO		39. TYPE OF DEATH (city, state, and country) NO		40. TYPE OF DEATH (city, state, and country) NO		41. TYPE OF DEATH (city, state, and country) NO		42. TYPE OF DEATH (city, state, and country) NO	
43. TYPE OF DEATH (city, state, and country) NO		44. TYPE OF DEATH (city, state, and country) NO		45. TYPE OF DEATH (city, state, and country) NO		46. TYPE OF DEATH (city, state, and country) NO		47. TYPE OF DEATH (city, state, and country) NO		48. TYPE OF DEATH (city, state, and country) NO		49. TYPE OF DEATH (city, state, and country) NO	
50. TYPE OF DEATH (city, state, and country) NO		51. TYPE OF DEATH (city, state, and country) NO		52. TYPE OF DEATH (city, state, and country) NO		53. TYPE OF DEATH (city, state, and country) NO		54. TYPE OF DEATH (city, state, and country) NO		55. TYPE OF DEATH (city, state, and country) NO		56. TYPE OF DEATH (city, state, and country) NO	
57. TYPE OF DEATH (city, state, and country) NO		58. TYPE OF DEATH (city, state, and country) NO		59. TYPE OF DEATH (city, state, and country) NO		60. TYPE OF DEATH (city, state, and country) NO		61. TYPE OF DEATH (city, state, and country) NO		62. TYPE OF DEATH (city, state, and country) NO		63. TYPE OF DEATH (city, state, and country) NO	
64. TYPE OF DEATH (city, state, and country) NO		65. TYPE OF DEATH (city, state, and country) NO		66. TYPE OF DEATH (city, state, and country) NO		67. TYPE OF DEATH (city, state, and country) NO		68. TYPE OF DEATH (city, state, and country) NO		69. TYPE OF DEATH (city, state, and country) NO		70. TYPE OF DEATH (city, state, and country) NO	
71. TYPE OF DEATH (city, state, and country) NO		72. TYPE OF DEATH (city, state, and country) NO		73. TYPE OF DEATH (city, state, and country) NO		74. TYPE OF DEATH (city, state, and country) NO		75. TYPE OF DEATH (city, state, and country) NO		76. TYPE OF DEATH (city, state, and country) NO		77. TYPE OF DEATH (city, state, and country) NO	
78. TYPE OF DEATH (city, state, and country) NO		79. TYPE OF DEATH (city, state, and country) NO		80. TYPE OF DEATH (city, state, and country) NO		81. TYPE OF DEATH (city, state, and country) NO		82. TYPE OF DEATH (city, state, and country) NO		83. TYPE OF DEATH (city, state, and country) NO		84. TYPE OF DEATH (city, state, and country) NO	
85. TYPE OF DEATH (city, state, and country) NO		86. TYPE OF DEATH (city, state, and country) NO		87. TYPE OF DEATH (city, state, and country) NO		88. TYPE OF DEATH (city, state, and country) NO		89. TYPE OF DEATH (city, state, and country) NO		90. TYPE OF DEATH (city, state, and country) NO		91. TYPE OF DEATH (city, state, and country) NO	
92. TYPE OF DEATH (city, state, and country) NO		93. TYPE OF DEATH (city, state, and country) NO		94. TYPE OF DEATH (city, state, and country) NO		95. TYPE OF DEATH (city, state, and country) NO		96. TYPE OF DEATH (city, state, and country) NO		97. TYPE OF DEATH (city, state, and country) NO		98. TYPE OF DEATH (city, state, and country) NO	
99. TYPE OF DEATH (city, state, and country) NO		100. TYPE OF DEATH (city, state, and country) NO		101. TYPE OF DEATH (city, state, and country) NO		102. TYPE OF DEATH (city, state, and country) NO		103. TYPE OF DEATH (city, state, and country) NO		104. TYPE OF DEATH (city, state, and country) NO		105. TYPE OF DEATH (city, state, and country) NO	

OFFICE OF PUBLIC HEALTH - VITAL RECORDS REGISTRY

NOV 17 2011

IN ACCORDANCE WITH LSA-R.S. 40:50 (C), I CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF A DEATH CERTIFICATE IN MY CUSTODY.

Shirley G. Gaudin
LOCAL REGISTRAR



I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A CERTIFICATE OR DOCUMENT REGISTERED WITH THE VITAL RECORDS REGISTRY OF THE STATE OF LOUISIANA, PURSUANT TO LSA - R.S.40:32, ET SEQ.

Charlene W. Smith
STATE REGISTRAR

waters

DIV. B - STINSON

#825
CK

April 25, 2012

VIA FEDEX

138861

Bossier Parish Clerk of Court
204 Burt Blvd., Third Floor
Benton, LA 71006

Re: *Tina C. Davidson, et al vs. Advocate Mines, LTD, et al;*
In the Civil District Court, Bossier Parish, Louisiana

Dear Clerk of the Court:

Enclosed please find an original and sixteen (16) copies of Plaintiff's Original Petition For Damages and Jury Demand to be filed with the court in the above-referenced matter. Please file stamp the extra copies of the Petition and return to me along with the long-arm citations in the Express Mail envelope have provided. I understand that your office will expedite service of the remaining citations. I am also enclosing our firm's check in the amount of \$825.00 for payment of the filing fees and fees for issuance of citations for the defendants as described in Exhibit "A".

Please prepare citations to be served on the following Defendants:

1. **THE J. GRAVES INSULATION COMPANY, INC.,**
May be served through its registered agent for service of process: CT Corporation, 5615 Corporate Blvd., #4008, Baton Rouge, LA 70808.
2. **THE J. GRAVES INSULATION COMPANY, INC. f/k/a GRAVES-ABER INSULATION COMPANY, INC.,** May be served through its registered agent for service of process: CT Corporation, 5615 Corporate Blvd., #4008, Baton Rouge, LA 70808.
3. **TAYLOR SEIDENBACH, INC. f/k/a TAYLOR- SEIDENBACH, INCORPORATED,** May be served through its registered agent for service of process: Robert I. Shepard, 731 South Scott St., New Orleans, LA 70119.
4. **BEAZER EAST, INC. f/k/a KOPPERS COMPANY, INC.**
A Delaware corporation with its principal place of business in the state of New Jersey, and may be served through the Louisiana Long Arm Statute pursuant Article 1261(3) to-wit: Corporation Service Corporation, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

PARTNERS

C. Andrew Waters (LA, TX, MS, TN)
Peter A. Kraus (LA, MS)
Charles S. Blagden (TX)
Troyce G. Wolf (TX, TN)
Michael L. Ambridge (LA, TN)
B. Scott Krulha (TX)
Leslie C. MacLean (TX)
Charles E. Vailles (LA, TN, TX)
Paul C. Cook (TX)
Gary M. Paul (TX)
Mehadia Whitman (TX)
Kyla Gail Cole (TX)
John S. Janosky (LA, TX)
Michael B. Guillen (TX)
Scott L. Frost (LA, TX, TN, TX)
Greg W. Lisenby (TX)
Loren Jacobson (TX, TN)

ASSOCIATES

Jay Sparling (TX)
Kevin M. Loew (TX)
Julie L. Oslum (TX)
Dimitri N. Nichols (TX)
Dimitrios T. Zachariopoulos (TX)
Susanah D. Chester (TX)
Jillian Rice (TX, TX)
Cindy Young (TX)
Melanie J. Carter (TX, TX, TX, TX)
Stella C. Henderson (TX)
Tao Kim (TX)
Carmel E. Waters (TX)
Lauri Halbury (TX)
Katherine N. Williams (LA, TX)
Mark Linder (TX, TX)
Sunafahen Galforani (TX)
Jennifer L. McIntosh (TX)
Andrew Seitz (TX)
Elizabeth A. Davis (TX)
Peter Klausner (TX)

OF COUNSEL
William Galtman (LA, TX)
Randall L. Lolo (TX, TX, TX)
George G. Turkland III (TX, TX, TX, TX, TX)
Jonathan A. George (TX, TX, TX)
Wm. Paul Lawrence III (TX, TX, TX)
David Brinker (TX)

FILED

APR 26 2012

Kari A. Phillips
DEPUTY CLERK26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

WATERS & KRAUS, LLP ATTORNEYS AND COUNSELORS

DALLAS: 3219 MCKINNEY AVENUE DALLAS, TEXAS 75204 TEL 214 357 6244 FAX 214 357 7252

BALTIMORE: 315 NORTH CHARLES STREET BALTIMORE, MARYLAND 21201 TEL 410 528 1183 FAX 410 528 4008

SAN FRANCISCO: 711 VAN NESS AVENUE SUITE 220 SAN FRANCISCO, CALIFORNIA 94102 TEL 800 226 8880 FAX 214 777 0470

LOS ANGELES: 222 NORTH SEPULVEDA BOULEVARD SUITE 1900 EL SEGUNDO, CALIFORNIA 90245 TEL 310 414 8146 FAX 310 414 8156

138861

5. **CERTAINTED CORPORATION**
May be served through its registered agent for service of process: CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA, 70808.
6. **GEORGIA-PACIFIC LLC (sued individually and as successor-in-interest to BESTWALL GYPSUM COMPANY)**
May be served through its registered agent for service of process: CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA, 70808.
7. **UNION CARBIDE CORPORATION**
May be served through its registered agent for service of process: CT Corporation System, 5615 Corporate Blvd., Suite 400B, Baton Rouge, LA, 70808.

If you have any questions please do not hesitate to contact me at 1-800-226-9880 ext 2278 or email: drodriguez@waterskraus.com. Thank you in advance for your prompt assistance in this matter.

Sincerely,


Leticia Castillo
Intake Paralegal

SCS/lc

Enclosures: as stated

D1889914

CITATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

TO: UNION CARBIDE CORPORATION
THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS: CT
CORPORATION SYSTEM
5615 CORPORATE BLVD., SUITE 400B
BATON ROUGE, LA
70808

in the Parish of EAST BATON ROUGE.

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said petition in the office of the Clerk of the 26th Judicial District Court in the Bossier Parish Court House in the Town of Benton in said Parish within fifteen (15) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

The Sheriff or his deputy has just handed you a law suit which states why you are being sued. You (as defendant) will have fifteen (15) days after you receive this petition to either file an answer (in writing) with the Bossier Parish Clerk of Court in Benton, Louisiana, or retain an attorney of your choice to act in your behalf. If you do nothing within the said time period, then a judgment could be rendered against you.

Attached hereto are:

Witness the Honorable Judges of our said Court on this the 26th day of April, 2012

Attorney:
Waters & Kraus, LLP
Landry & Swarr, LLC

CYNTHIA J. JOHNSTON, CLERK OF COURT

Julie Chism
Deputy Clerk
Bossier Parish, Louisiana

MAY 02 2012
Service on the named party through the
CT Corporation
by sending a copy of this document to
USA INTECH
LYNETTE B. CAI
RODERICK THOMAS
E. Cummings
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

SERVICE INFORMATION

UNSERVED
PERSONAL
DOMICILIARY

GIVEN TO

FILED

MAY - 8 2012

DATE
REMARKS

DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

DEPUTY SHERIFF

D1889922

CITATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

TO: THE J. GRAVES INSULATION COMPANY, INC. F/K/A GRAVES-ABER INSULATION
COMPANY, INC.
THROUGH CT CORPORATION
5615 CORPORATE BLVD., #4008
BATON ROUGE, LA
70808

in the Parish of EAST BATON ROUGE.

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said petition in the office of the Clerk of the 26th Judicial District Court in the Bossier Parish Court House in the Town of Benton in said Parish within fifteen (15) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

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Attached hereto are:

Witness the Honorable Judges of our said Court on this the 26th day of April, 2012

Attorney:
Waters & Kraus, LLP
Landry & Swarr, LLC

MAY 02 2012
CYNTHIA J. JOHNSTON, CLERK OF COURT
Deputy Clerk
Bossier Parish, Louisiana
CT Corporation
by tendering a copy of this document
CHARTER
LYNETTE BASS
RODERICK THOMAS
E. Cummins
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

SERVICE INFORMATION

UNSERVED
PERSONAL
DOMICILIARY

GIVEN TO

DATE
REMARKS

FILED
MAY - 8 2012

DEPUTY SHERIFF

DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

D1889898

CITATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

TO: J GRAVES INSULATION COMPANY INC
THROUGH CT CORPORATION
5615 CORPORATE BLVD #4008
BATON ROUGE, LA
70808

in the Parish of EAST BATON ROUGE.

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Attached hereto are:

Witness the Honorable Judges of our said Court on this the 26th day of April, 2012

CYNTHIA J. JOHNSTON, CLERK OF COURT

Attorney:
Waters & Kraus, LLP
Landry & Swarr, LLC

Cynthia J. Johnston
(Deputy Clerk
Bossier Parish, Louisiana

SERVICE INFORMATION

UNSERVED
PERSONAL
DOMICILIARY

GIVEN TO _____

DATE
REMARKS

FILED

MAY - 8 2012

DEPUTY SHERIFF

DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

D1889872

CITATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

TO: CERTAINTED CORPORATION
THROUGH CT CORPORATION SYSTEM
5615 CORPORATE BLVD., SUITE 400B
BATON ROUGE, LA
70808

in the Parish of EAST BATON ROUGE.

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Attached hereto are:

Witness the Honorable Judges of our said Court on this the 26th day of April, 2012

CYNTHIA J. JOHNSTON, CLERK OF COURT

Attorney:
Waters & Kraus, LLP
Landry & Swarr, LLC

Lisa R. Whittington
Deputy Clerk
Bossier Parish, Louisiana

SERVICE INFORMATION

UNSERVED
PERSONAL
DOMICILIARY

GIVEN TO

FILED

MAY - 8 2012

DATE
REMARKS

DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

DEPUTY SHERIFF

D1889880

CITATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

TO: GEORGIA-PACIFIC LLC
 INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO BESTWALL GYPSUM
 COMPANY
 THROUGH AGENT FOR SERVICE OF PROCESS: CT CORPORATION SYSTEM, 5615
 CORPORATE BLVD., SUITE 400B
 BATON ROUGE, LA
 70808

in the Parish of EAST BATON ROUGE.

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said petition in the office of the Clerk of the 26th Judicial District Court in the Bossier Parish Court House in the Town of Benton in said Parish within fifteen (15) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

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Attached hereto are:

Witness the Honorable Judges of our said Court on this the 26th day of April, 2012

Attorney:
 Waters & Kraus, LLP
 Landry & Swarr, LLC

MAY 02 2012
 GENTHIA J. JOHNSTON, CLERK OF COURT
 CHASITY J. [Signature]
 DEPUTY CLERK
 BOSSIER PARISH, LOUISIANA
 Roderick Thomas
 E. Cummins
 TOWN OF BENTON, Parish of East Baton Rouge, Louisiana

SERVICE INFORMATION

FILED

MAY - 8 2012

UNSERVED
 PERSONAL
 DOMICILIARY

GIVEN TO

DATE
 REMARKS

DEPUTY CLERK
 26TH JUDICIAL DISTRICT COURT
 BOSSIER PARISH, LOUISIANA

DEPUTY SHERIFF

D1889906 A TRUE COPY

CITATION

TINA C DAVIDSON ET AL	TWENTY-SIXTH JUDICIAL DISTRICT
VS	PARISH OF BOSSIER
ADVOCATE MINES LTD ET AL	STATE OF LOUISIANA
DOCKET NUMBER: C-138861	

TO: TAYLOR SEIDENBACH INC
 F/K/A TAYLOR-SEIDENBACH, INCORPORATED
 THROUGH ITS REGISTERED AGENT FOR SERVICE OF PROCESS: ROBERT I.
 SHEPARD - 731 SOUTH SCOTT ST.
 NEW ORLEANS, LA
 70119

in the Parish of ORLEANS.

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said petition in the office of the Clerk of the 26th Judicial District Court in the Bossier Parish Court House in the Town of Benton in said Parish within fifteen (15) days after the service hereof. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

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Attached hereto are:

Witness the Honorable Judges of our said Court on this the 26th day of April, 2012

CYNTHIA J. JOHNSTON, CLERK OF COURT

LISA D. WHITTINGTON

Deputy Clerk
 Bossier Parish, Louisiana

Attorney:
 Waters & Kraus, LLP
 Landry & Swarr, LLC

J.C.
 9/11/09
 SERIAL NO. DEPUTY

A TRUE COPY ATTEST

Lisa D. Whittington
 DEPUTY CLERK

FILED
 MAY 14 2012

DEPUTY CLERK
 26TH JUDICIAL DISTRICT COURT
 BOSSIER PARISH, LOUISIANA



Marlin N. Gusman
Sheriff, Orleans Parish
421 Loyola Avenue
Room 403
New Orleans, LA 70112

Parish: Bossier

Not Listed Not Listed

Bar Roll Number: NOTLISTED

Case: (09)138861

TINA C DAVIDSON ETAL vs ADVOCATE MINES LTD ETAL

I HEREBY CERTIFY, that the Sheriff's fees due Marlin N. Gusman in the above case
amount to the following:

<u>Serial Number</u>	<u>Service Type</u>	<u>Return Charge</u>
1	Citation & Petition	\$20.00

PLEASE RETURN STATEMENT WITH CHECK

New Orleans, LA

May 10, 2012

Larry J Reeves
Deputy Sheriff

FILED
MAY 14 2012

DEPUTY CLERK
28TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

District

PUGH, ACCARDO,
HAAS, RADECKER,
CAREY & HYMEL LLC
ATTORNEYS AT LAW

B
50.00
1100 POYDRAS STREET, SUITE 3200
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DOROTHY MUSSELMAN, Paralegal
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dmusselman@pugh-law.com

May 17, 2012

Honorable Cynthia J. Johnston
CLERK OF COURT
ATTN: Civil Department
Parish of Bossier
P.O. Box 430
Benton, LA 71006

RE: *Tina Davidson, et al vs. Advocate Mines, Ltd., et al*
No. ~~1~~38-861, Division B, 26th J.D.C., Bossier Parish
Our File: 8888.0

Dear Madam;

In the above captioned matter, enclosed please find an **Answer to Original Petition and Request for Notice** which we request that you file on behalf of The J. Graves Insulation Company.

Our check in the amount of \$50.00 is enclosed to cover filing fees and the return of a copy of the documents.

Sincerely,

Dorothy Musselman

Dorothy W. Musselman,
Asbestos Litigation Paralegal

:dwm
Enclosure

Cc: Susannah Chester-Schindler, Esq.
Landry, Swarr & Cannella

FILED
MAY 21 2012

DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

NEW ORLEANS, LA

MANDEVILLE, LA

26th JUDICIAL DISTRICT COURT FOR THE PARISH OF BOSSIER

STATE OF LOUISIANA

NO. 738-861

DIVISION "B"

TINA C. DAVIDSON, KATHRYN D. DAVIDSON,
AND KRISTEN M. DAVIDSON, INDIVIDUALLY AND ON
BEHALF OF THEIR DECEASED HUSBAND AND
FATHER, WILLIAM CLEVE DAVIDSON

VERSUS

ADVOCATE MINES, LTD., *ET AL*

FILED: _____

DEPUTY CLERK

**ANSWER AND DEFENSES TO PLAINTIFF'S
ORIGINAL PETITION FOR DAMAGES**

MAILED
MAY 21 2012
DEPUTY CLERK
26th JUDICIAL DISTRICT
BOSSIER PARISH, LOUISIANA
Shirley H. Hatcher

NOW INTO COURT, through undersigned counsel, comes defendant, The J. Graves Insulation Company, Inc. f/k/a Graves-Aber Insulation, ("J. Graves") who provides the following Answer and Defenses in response to plaintiffs' Original Petition for Damages ("Petition"), as follows:

Defendant reserves the right to adopt any and all Exceptions pled by any and all defendants herein.

AND NOW, responding to the individual paragraphs of the plaintiffs' Petition, J. Graves responds as follows:

1.

The allegations of paragraphs 1, 2 and 3 of the Petition are denied for lack of sufficient information to justify a belief therein.

2.

The allegations of paragraph 4 of the Petition are denied for lack of sufficient information to justify a belief therein, except to admit that J. Graves is a domestic corporation and CT Corporation is the registered agent for service of process.

3.

The allegations of Paragraph 5 of the Petition are denied and defendant calls for strict

proof of allegations.

4.

The allegations of paragraph 6 of the Petition are denied for lack of sufficient information to justify a belief therein.

5.

The allegations of paragraphs 7, 8 and 9 of the Petition call for legal conclusions and do not require a response from defendant herein. To the extent that said allegations allege or imply negligence or fault on the part of defendant herein, same are specifically denied.

6.

The allegations of Paragraphs 10 through 15 of the Petition are denied and defendant calls for strict proof of allegations.

5.

The allegations of paragraph 16 of the Petition are denied for lack of sufficient information to justify a belief therein.

6.

The allegations of Paragraphs 17 of the Petition are denied and defendant calls for strict proof of allegations.

7.

The allegations of Paragraphs 18 through 25 do not call for a response of the defendant herein. To the extent that said allegations allege or imply negligence or fault on the part of defendant herein, same are specifically denied.

8.

The allegations of Paragraphs 26 through 36 of the Petition are denied and defendant demands strict proof of allegations.

9.

The allegations of paragraph 37 of the Petition are denied for lack of sufficient information to justify a belief therein.

10.

With respect to plaintiffs' un-numbered paragraph containing a prayer for relief, J.

Graves denies that plaintiffs are entitled to any of the relief they are seeking or to any other relief.

11.

J. Graves reserves its right to request a trial by jury should plaintiffs waive the jury or not fulfill any procedural requirement to have this case tried by a jury.

AFFIRMATIVE DEFENSES

12.

Further answering, defendant denies that any product used, distributed, allegedly manufactured, sold, and/or installed by J. Graves caused any damages to the plaintiffs' decedent.

13.

Further answering, defendant avers that plaintiffs' decedent did not use and was not exposed to any product distributed, allegedly manufactured, sold, and/or installed by J. Graves. Alternatively, defendant avers that if plaintiffs' decedent was exposed to any product distributed, allegedly manufactured, sold, and/or installed by J. Graves, that such exposure was insufficient to cause any injury or damage to plaintiffs' decedent.

14.

Further answering, defendant avers that some or all of the plaintiffs' claims are barred, in whole or in part, by prescription.

15.

Plaintiffs' claims are barred by the doctrine of *lis pendens*.

16.

Further answering, and in the alternative, defendant avers that if any injuries or illnesses were sustained by the plaintiffs' decedent, which is denied, then said injuries or illnesses resulted solely and exclusively from the negligence and/or fault of plaintiffs' decedent in the following non-exclusive particulars:

- a. Failure to use safety devices such as masks and respirators for breathing while in the presence of dust-laden air;
- b. Failure to request the use of such masks and respirators from his employers;
- c. Failure to cease working in an environment of asbestos and/or silica dust-laden

air, knowing that he was working with asbestos-containing insulation products and that he was inhaling silica and/or asbestos fiber;

- d. Failure to cease working in an environment of chemicals, chemical fumes, welding fumes and/or other toxic substances, knowing that he was working with and around those substances and that he was inhaling the fumes of those substances;
- e. Failure to take routine precautions to ensure his own safety;
- f. Failure to act as a reasonably prudent person under the same or similar circumstances;
- g. Any and all other acts of negligence or fault as may be proven at the trial of this matter.

17.

Further answering, and in the alternative, and as a result of the aforementioned acts of negligence and/or fault committed by plaintiffs' decedent, defendant avers that plaintiffs' claims for damages should be completely barred or reduced by the percentage of fault attributable to plaintiffs' decedent.

18.

Further answering, defendant alternatively avers that plaintiffs' damages, if any, were caused by the fault and/or negligence of persons other than defendant, including plaintiffs' decedent's employers and specifically, by the products manufactured, supplied, sold or installed by others and/or by the cigarette smoking of plaintiffs' decedent, or others in his vicinity, or by exposure to other substances to be proved at trial, all of which fault constitutes comparative fault and/or comparative causation.

19.

J. Graves further avers that the plaintiffs' decedent failed to take reasonable steps to mitigate his damages.

20.

Further answering defendant alternatively avers that it is entitled to a set-off, reduction or credit for a pro rata virile share, for each of the defendants, named in the Petition or unnamed, whose products or conduct are shown to have caused plaintiffs' damages, and/or who may compromise their claims with the plaintiffs prior to trial, including all such parties named or unnamed, in bankruptcy or not, who are found to have caused or contributed to plaintiffs'

damages.

21.

Further answering, alternatively, defendant J. Graves invokes the defenses of the Louisiana Products Liability Act, codified at Louisiana R.S. 9:2800.54, 9:2800.56 and 9:2800.57, and avers that its purchasers and intended users knew or should have known of the characteristics of the products allegedly sold by defendant, and that J. Graves, as a non-manufacturer seller, did not and could not have known of defects or of any alternative design.

22.

Further answering, defendant J. Graves specifically avers that it owed no duty to warn its purchasers or any of the plaintiffs' decedent's alleged employers of the existence of defects, if any, in the products which it sold, and alternatively, J. Graves avers that its purchasers and/or plaintiffs' decedent's employers were sophisticated purchasers to whom no duty to warn was owed.

23.

Further answering, in the alternative, defendant denies that it is jointly and severally liable *in solido* with any other party, and deny that it is liable for the fault of any other party, named or unnamed.

24.

Further answering, and in the alternative, defendant affirmatively avers that the plaintiffs are not entitled to damages as there is no evidence that plaintiffs' decedent's injuries were in any way caused by alleged exposure to asbestos containing products allegedly manufactured or distributed by J. Graves during the course of plaintiffs' employment.

WHEREFORE, the premises considered, defendant, The J. Graves Insulation Company, Inc., prays that this Answer be deemed good and sufficient, and that after due proceedings are had, there be judgment herein in favor of The J. Graves Insulation Company, Inc., and against the plaintiffs, dismissing plaintiffs' petitions at plaintiffs' cost, and for all general and equitable relief.

Respectfully submitted,

(Signatures on Next Page)

PUGH, ACCARDO, HAAS, RADECKER,
CAREY & HYMEL, L.L.C.


1100 POYDRAS STREET, SUITE 3200
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BY 

LAWRENCE C. PUGH (BAR # 17351)
H. PHILIP RADECKER, JR. (BAR #17102)
SHELLEY L. THOMPSON (BAR #30759)
COUNSEL FOR J. GRAVES INSULATION COMPANY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served on Plaintiffs' counsel of record, by United States mail, and on all other known counsel by electronic mail, this the 10th day of May, 2012.



26th JUDICIAL DISTRICT COURT FOR THE PARISH OF BOSSIER

STATE OF LOUISIANA

NO. 738-861

DIVISION "B"

TINA C. DAVIDSON, KATHRYN D. DAVIDSON,
AND KRISTEN M. DAVIDSON, INDIVIDUALLY AND ON
BEHALF OF THEIR DECEASED HUSBAND AND
FATHER, WILLIAM CLEVE DAVIDSON

VERSUS

ADVOCATE MINES, LTD., *ET AL*

FILED: _____

DEPUTY CLERK

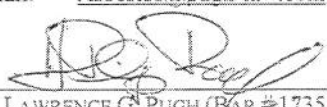
REQUEST FOR NOTICE

NOW INTO COURT, through undersigned counsel, comes defendant The J. Graves Insulation Company, Inc., reserving unto itself all of its rights to file dilatory and declinatory exceptions, and without waiving any such rights, hereby moves for written notice of judgment, orders or other action of the trial court, and the setting or the date fixing for any conference, trial or hearing on any exception, motion, rule, or trial on the merits, pursuant to Articles 1572, 1913, and 1914 of the Louisiana Code of Civil Procedure, including immediate notice of interlocutory and final orders and judgments on any exceptions, motions, rules or trials, in the above-captioned matter.

Respectfully submitted,

PUGH, ACCARDO, HAAS,
RADECKER & CAREY, L.L.C.
3200 ENERGY CENTRE
1100 POYDRAS STREET
NEW ORLEANS, LOUISIANA 70163-1132
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E-Mail: Asbestos@pugh-law.com

FILED
MAY 21 2012
Anna D. Galloway
DEPUTY CLERK
26TH JUDICIAL DISTRICT COURT
BOSSIER PARISH, LOUISIANA

By 
LAWRENCE G. PUGH (BAR #17351)
H. PHILIP RADECKER, JR. (BAR #17102)
SHELLEY L. THOMPSON (BAR #30759)
COUNSEL FOR J. GRAVES INSULATION COMPANY,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon plaintiff's counsel by United States Mail and on all other known counsel by electronic mail this 17th day of May, 2012

